

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JAMES W. CAUGER, *et al.*

Plaintiffs

v.

**TEXAS INSTRUMENTS, INC.
and JOHN DOE**

Defendants

**CIVIL ACTION NO.
1:16-cv-10358-DPW**

**DEFENDANT TEXAS INSTRUMENTS
INCORPORATED'S MOTION TO DISMISS**

Dated: July 1, 2016

Respectfully submitted,

TEXAS INSTRUMENTS INCORPORATED
By its attorneys,

Mark O. Denehy | BBO No. 120380
Katharine S. Perry | BBO No. 634167
Brian R. Birke | BBO No. 652720
ADLER POLLOCK & SHEEHAN P.C.
175 Federal Street
Boston, MA 02110
T: 617 482 0600

Defendant Texas Instruments Incorporated (“TI”) hereby moves to dismiss Plaintiffs’ First Amended Complaint (“Complaint”), pursuant to Federal Rule of Civil Procedure 12(b)(1) and/or 12(b)(6). The Complaint should be dismissed because Plaintiffs’ claims are precluded by the Massachusetts Workers’ Compensation Act, M.G.L. c. 152, § 1, *et seq.* (the “Act”). Plaintiffs’ suit is based on personal injury claims arising out of their employment with TI, which are governed exclusively by the Act. Because the Act provides Plaintiffs’ exclusive remedy, Plaintiffs’ claims are barred and the Complaint should be dismissed.

The grounds for this Motion are set forth in TI’s accompanying Memorandum of Law in Support of its Motion to Dismiss, which is referenced and incorporated herein.

WHEREFORE, TI respectfully requests that the Court dismiss Plaintiffs’ Complaint with prejudice, enter judgment in favor of TI, and grant such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), TI respectfully requests oral argument to address the issues presented by this Motion.

Respectfully submitted,

TEXAS INSTRUMENTS INCORPORATED
By its attorneys,

Dated: July 1, 2016

/s/ Brian R. Birke

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LOCAL RULE 7.1(a)(2) CERTIFICATE

Counsel for Texas Instruments Incorporated certifies that, on June 24, 2016, counsel, in good faith, conferred with Plaintiffs' counsel with respect to the issues raised in this Motion; no agreement was reached.

Dated: July 1, 2016 /s/ Brian R. Birke

Brian R. Birke

CERTIFICATE OF SERVICE

I, Brian R. Birke, hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via First-Class U.S. Mail to those indicated as non-registered participants, on July 1, 2016.

Dated: July 1, 2016 /s/ Brian R. Birke

Brian R. Birke